



**SUMMARIZED MINUTES
CITY OF SCOTTSDALE TRANSPORTATION COMMISSION
REGULAR MEETING
THURSDAY, AUGUST 21, 2008
KIVA - CITY HALL
3939 N. DRINKWATER BLVD.
SCOTTSDALE, ARIZONA 85251**

CALL TO ORDER

Chair Howard called the regular meeting of the Scottsdale Transportation Commission to order at 6:11 p.m.

1. **ROLL CALL**

PRESENT: William Howard, Chair
Josh Weiss, Vice Chair
Terry Gruver, Commissioner
Kelly McCall, Commissioner
Donald Maxwell, Commissioner
Howard Sukenic, Commissioner
Paul Ward, Commissioner

STAFF: Mary O'Connor, Transportation General Manager
Dave Meinhart, Transportation Planning and Transit Director
Rose Arballo, Transportation Commission Coordinator
Dan Gabiou, Transportation Intern
Theresa Huish, Principal Transportation Planner

2. **Approval of Meeting Minutes**

- Study Session of the Transportation Commission - June 19, 2008
- Regular Meeting of the Transportation Commission - June 19, 2008

VICE CHAIR WEISS MOVED TO APPROVE THE STUDY SESSION AND REGULAR MEETING MINUTES OF JUNE 19, 2008, AS AMENDED. COMMISSIONER GRUVER SECONDED. THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).

3. **Public Comment**

Dave McDonald encouraged the City to start a pilot project to provide facilities for plug-in hybrid vehicles. By 2010, a new generation of vehicles will be available. Staff is already changing the green building code to provide points for including those types of facilities. It will take years for the fleet mix to change. Electric vehicles do not contribute to pollution or consume energy while waiting at congested intersections. These types of metrics illustrate the benefits of this type of technology.

4. **Maricopa Association of Governments (MAG) Arterial Travel Time Study**

Commissioner Ward recused himself from this item to avoid the appearance of a conflict.

Ms. Huish presented a report developed by MAG to update their travel demand models. The models can be used to measure travel speeds on arterials. She focused on data from the Scottsdale area. The data was collected on all arterial streets and freeways throughout the region during 2007, except for the summer months. It was collected at three points of the day, during morning peak, midday, and evening peak. Two samples were taken for every 30-minute period on each segment. Data affected by accidents was excluded.

Scottsdale compares well to the rest of the region. Data was collected for 62 arterial roadway segments for a little over 116 miles. Only Thomas Road showed a reduction in average travel speed from midday to the evening peak that exceeded 25%. The Transportation Master Plan (TMP) policy element recommends corridor enhancements in those circumstances where the travel time index exceeds 1.25.

In response to Commissioner McCall, Mr. Meinhart said MAG made no adjustments on adjacent roadways if construction was occurring on an individual corridor. Those types of adjustments would have doubled the cost of the study. This report is not intended to be all-inclusive, but provides a snapshot of how things are going in the community.

Commissioner McCall noted that in some people's experience, Cactus Road is similar to Thomas Road. Mr. Meinhart responded that the data should be used to identify places to analyze closer. It is not the only piece of information that is used in the decision-making process. Its results closely compare to the base model from 2006.

Ms. Huish noted that the City already has a Thomas Road corridor enhancement project in the design phase.

In response to Commissioner Sukenic, Mr. Meinhart said the primary use for this data is to help calibrate the regional travel demand models, which are tied to average travel times. It is also a way to track trends.

5. **TIME Coalition Proposal**

Commissioner Gruver recused herself from discussion on this item to avoid any appearance of a conflict.

Ms. O'Connor reported on Proposition 203, a proposed ballot measure for the November 2008 general election. It proposes a 30-year statewide .01-cent sales tax, beginning in 2010, for

statewide transportation needs. She noted that this item was on the agenda for information purposes only. Pursuant to State statute, the City Council and its appointed body is precluded from using any of its resources, including employees, to take a position on ballot measures, either before or after they qualify for the ballot. She intends to provide an overview of the components of this particular proposal. At this point, the measure does not have adequate signatures to be included on the ballot. There is an appeal process, but she is unaware of the status of any appeal.

The sales tax that would be generated by the TIME Coalition proposal is estimated to be \$42.6 billion over a 32-year period. Funds are distributed in several categories. Fifty five percent goes to statewide highways. Forty nine percent of that allocation goes to MAG. It would include funding to accelerate some Loop 101 projects, but not solely those in Scottsdale. Another component is the distribution of funds for local needs, which constitutes 20% of the program. Scottsdale would receive an estimated \$324 million over a 30-year period.

The local needs fund can be used for any type of transportation project, not limited by mode. Eighteen percent of the program is allocated to public transportation statewide. Eight percent of that money is allocated to the urban area in Maricopa County through the Regional Public Transportation Authority (RPTA). Another 4% is allocated to enhancements projects, including bicycle, pedestrian, and transit oriented projects. In this case, Scottsdale would receive an estimated \$65.5 million over 30 years. Funds directly allocated to Scottsdale under this plan are approximately \$389 million. The final 3% of the program is allocated to conservation grants administered by ADOT for open space, conservation and wildlife habitats affected by transportation projects.

The MAG region generates 69.5% of the state's employment, 67% of its sales tax, and 60% of its population. Scottsdale's portion of these same factors is 6.7%, 10%, and approximately 4% respectively. Although Scottsdale constitutes 4% of the state's population, and would receive funds based on population factors, it generates 10% of the sales tax.

Commissioner Ward inquired whether the projected funds generated were valued in 2008 dollars, or in future dollars. Mr. Meinhart said he has not been able to get a firm answer to that question. Commissioner Ward noted that future inflation would limit purchasing power. He inquired whether there would be a limit to the amount spent on administrative costs. Ms. O'Connor responded that the State Transportation Fund oversees this proposal for the purposes of administration. In response to a further question, Ms. O'Connor said the public transportation funds would be used for operations. Mr. Meinhart added that the local needs funds are intended to be relatively flexible.

In response to Chair Howard, Ms. O'Connor said the local needs funding is based on population, and would be allocated similar to other state-shared revenues. Local entities would not be required to submit projects to the State Transportation Board for approval. Scottsdale could apply for some of the other funding through MAG, and could request specific projects in conservation and public transportation.

6. Text Messaging Update

Ms. O'Connor reported that in September of 2007, Phoenix passed an ordinance to prohibit texting while driving. It was one of the first in the nation. As of June 30, there have been eight citations issued by the Phoenix Police Department. Seven have been adjudicated, and six found guilty. Six states prohibit the use of hand-held cell phones, and several of these are considering amendments related to texting. Last year the State legislature considered such a measure, but it died in committee. In a KAET survey, 87% of those polled favored a law making it illegal for motorists to send messages from cell phones and similar devices. Information from the Scottsdale Police Department indicated that only two collisions over the past two years involved drivers who were distracted by texting.

Staff recommends following the progress of the Phoenix ordinance, and looking at how this might be considered statewide. Individual ordinances such as this are often confusing to drivers, and therefore less effective. Scottsdale has a process through the Arizona League of Cities and Towns through which it could forward a recommendation from this Commission to identify this matter as something that could be considered again in the legislature.

Commissioner Sukenic said anything that distracts a motorist is dangerous, whether or not the statistics show that there have been accidents attributed to it. Texting while driving is intolerable. He felt the Commission should immediately recommend an ordinance prohibiting it.

Commissioner Gruver said she would like to know more from the Police Department about the implications to law enforcement. Ms. O'Connor said a law enforcement official would be invited to answer the Commission's questions. All the evidence shows that this is a dangerous habit. It is a matter of defining how enforcement could occur effectively.

Commissioner Maxwell said he would like to see a recommendation that the City of Scottsdale prohibit texting while driving. He witnesses the behavior every day. It is too easy to be distracted while driving. In the event that an accident occurs that violates that section of the law, there should be higher penalties. Scottsdale should be responsible and take the lead.

In response to Vice Chair Weiss, Ms. O'Connor said there is no local hands-free law for talking on cell phones. Vice Chair Weiss said that could be another issue for the City to consider. He expressed concern about moving forward without first hearing from the Scottsdale Police Department.

In response to Commissioner Ward, Ms. O'Connor said she did not know what the Scottsdale Police did in cases where a driver was distracted by a device. Their perspective would be valuable to have. Commissioner Ward said it would be preferable to include texting while driving under a general law prohibiting impaired driving, rather than creating increasingly more specific laws to cover every eventuality. People have to take some responsibility for their own actions.

Commissioner Sukenic said driving while impaired is a statute created by the State. The Commission should make a statement that texting while driving is a distraction, and therefore dangerous. It should be discouraged. If Scottsdale is known as a City where there are some consequences for such behavior, it may cause a driver to think twice. The City Council is going to consult the Police Department before enacting such an ordinance, anyway. The Commission's role is to advise the Council. He encouraged the Commission to move forward and demonstrate Scottsdale progressiveness. Commissioner Maxwell agreed, saying that

many young people may consider that it is permissible behavior if not specifically banned, even if they know it is not safe.

Chair Howard said he saw four options:

1. To recommend to Council that the City enact such an ordinance.
2. To advocate for a statewide ban on this practice.
3. To get more information.
4. To do nothing.

Commissioner McCall also suggested that the Commission could encourage a campaign for public knowledge. Information is preferable to a law that pertains to this level of personal behavior.

Vice Chair Weiss said that if the goal is to make a statement, the Commission should make sure it is truly making one, instead of passing it along to someone else. He suggested tabling the issue until the next meeting, to allow for discussion with a police officer.

Commissioner Sukenic noted that since all Commissioners agree that the behavior is dangerous, the Commission should make that statement. Enforcement is a separate issue. Education should come in the form of a law prohibiting bad behavior.

COMMISSIONER SUKENIC MOVED TO RECOMMEND THAT CITY COUNCIL ADOPT AN ORDINANCE PROHIBITING TEXT MESSAGING WHILE DRIVING IN THE CITY OF SCOTTSDALE. COMMISSIONER MAXWELL SECONDED.

Commissioner Gruver requested information on how the ordinance would be developed. Ms. O'Connor responded that various City departments would need to be involved, primarily the Police Department and the City Attorney's Office. It is generally a process that takes some time, provided Council decides to move ahead with it. Generally, things progress faster when accompanied by a thought process. She suggested that it would be good for the Police Department to provide their perspective at least once.

Commissioner Maxwell explained that he is voting for the motion because everyone knows that it is dangerous behavior. During the ordinance process, all parties will have an opportunity to talk, regardless of whether they support or oppose it. Commissioner Sukenic agreed, saying the Commission is simply making a recommendation acknowledging that it is dangerous behavior. Much discussion is going to occur before an actual ban is implemented.

In response to Chair Howard, Ms. O'Connor explained that before anything goes to the City Attorney for drafting, there would need to be Council direction. It is difficult to present Council with a proposal that is not at least slightly fleshed out. Previously, the right-of-way management ordinance, and the motorized play vehicle ordinance had an existing model to work from. If the Commission recommended an ordinance, it would have to provide some idea of what its components would be. On the State level, there is an attempt to consolidate the cell phone ordinance with a texting ordinance.

Chair Howard said he would like to see how this develops, before the Commission recommends something to Council. If the City staff goes on to craft something that is different from what the Commission intends, it serves nobody well. Ms. O'Connor said staff could consult the appropriate departments and return with some sense of what the recommendation would be.

Vice Chair Weiss cautioned that the Commission could actually risk causing more delay by acting immediately, than by waiting until a more developed recommendation can be presented. Ms. O'Connor responded that there is always a process, even if the Commission simply wanted to send a message that this is an area of concern.

Commissioner Maxwell said the Commission is simply making a recommendation that Council enact an ordinance prohibiting texting while driving, regardless of what the other departments say. If Council accepts it, they will direct staff to draft a proposed ordinance.

Commissioner Sukenic agreed with Commissioner Maxwell, and asked whether Council would have to direct the staff to create the ordinance, regardless of what method is used. Ms. O'Connor responded that there are occasions when staff brings forward proposals to respond to identified problems. It does not only have to wait for the direction of the Council. In this case, an enforcing department, critical to the implementation of the ordinance, is not present to discuss it.

Commissioner Gruver said she supports the intent of the motion, but felt it would be a knee-jerk reaction to act immediately. The Commission's recommendations should be more thoughtful.

Commissioner McCall said Scottsdale has a good ITS system that could be used to discourage texting while driving. Eating while driving is also dangerous. Where does the law stop? The focus should stay off the legislation, and on public education.

Commissioner Ward suggested a two-step process. First, urge Council to prioritize a prohibition on texting while driving, while offering the Commission's services to vet it. Once the appropriate input is gathered, the Commission could make a recommendation to Council. Chair Howard suggested voting on the existing motion first.

THE MOTION FAILED TO CARRY BY A VOTE OF TWO (2) TO FIVE (5), WITH CHAIR HOWARD, VICE CHAIR WEISS, AND COMMISSIONERS GRUVER, MCCALL, AND WARD DISSENTING.

COMMISSIONER WARD MOVED TO RECOMMEND THAT CITY COUNCIL PROHIBIT TEXT MESSAGING WHILE DRIVING IN THE CITY OF SCOTTSDALE.

Commissioner Ward explained that by removing the words "an ordinance" it would let Council know that the Commission felt this was an area of concern that should be addressed.

Vice Chair Weiss agreed that it was important to make a statement, but also wanted to improve behavior. In order to achieve that, it would be important to get the input from the Police Department at the next meeting. He also encouraged staff to use the Phoenix ordinance as a model for a similar one for Scottsdale. Tabling the issue would also allow the public to provide input in September.

COMMISSIONER WARD WITHDREW HIS MOTION IN FAVOR OF VICE CHAIR WEISS' APPROACH.

VICE CHAIR WEISS MOVED TO TABLE THE ITEM, WITH INSTRUCTION TO STAFF TO INVITE THE POLICE DEPARTMENT TO ATTEND THE SEPTEMBER MEETING TO PROVIDE THEIR INPUT. COMMISSIONER SUKENIC SECONDED.

In response to Commissioner Maxwell, Ms. O'Connor said the Commission has considered staff-drafted ordinances and forwarded them to Council in the past.

THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).

7. **Other Transportation Projects**

Mr. Meinhart reported that over 50 people attended the first Ad Hoc Citizens Trails Task Force last week. The next meeting will be on August 25. The Commission will receive periodic updates and recommendations to review.

The biggest current project is the intersection improvement at Frank Lloyd Wright and Scottsdale Road. It is a challenge to finish the work while moving people through one of the busiest intersections in the city. The McDonald Drive project is close to completion. The Indian School Road Phase 1 project, east of Hayden Road, is scheduled to be completed in November. The next phase will be west of Hayden Road to Drinkwater Boulevard, and starts in late spring. The addition of turn bay capacity to the Hayden Road intersection with Via de Ventura should be complete next month. Indian Bend Road will be temporarily closed to allow for construction of a drainage structure, once the McDonald project is finished.

8. **Public Comment**

Dave McDonald referred the Commission to the Plug In Partners website for more information on his previous comments. Scottsdale could be on the leading edge of this effort.

9. **Identification of Future Agenda Items**

Commissioner Ward requested information on the City's strategies for traffic management on construction projects, particularly how planners decide between contractor convenience and public convenience. He also requested an update on the NTMP projects in the pipeline.

10. **ADJOURNMENT**

With no further business to conduct, Chair Howard adjourned the regular meeting at 7:48 p.m.

SUBMITTED BY:

A/V Tronics, Inc.

NOTE: VIDEO AND/OR AUDIO RECORDINGS OF SCOTTSDALE TRANSPORTATION COMMISSION MEETINGS ARE AVAILABLE FROM THE SCOTTSDALE TRANSPORTATION DEPARTMENT FOR UP TO SIX MONTHS FOLLOWING THE MEETING DATE.

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